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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,740	05/11/2001	Kenneth Arneson	20-485	5000
7590 09/10/2010 MANELLI DENISON & SELTER PLLC 2000 M Street, N.W., 7th Floor Washington, DC 20036-3307				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
09/10/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/852,740

**Applicant(s)**

ARNESON ET AL.

**Examiner**

DANIEL LASTRA

**Art Unit**

3688

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5-8 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-8, 18-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 2, 5-8, 18-28 have been examined. Application 09/852,740 (System and method for providing wireless services) has a filing date 05/11/2001 and Claims Priority from Provisional Application 60203885 (05/12/2000).

### **Response to Amendment**

2. In response to Final Rejection filed 05/17/10, the Applicant filed an RCE which amended claims 1, 18, 21.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Said claimed recites in the preamble "rewarding an entity" but in the embodiment of said claim, said entity is not recited at all.

5. Claim 21 recites the limitation "said entity". There is insufficient antecedent basis for this limitation in the claim.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 5-9, 18-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wecker (US 6,256,614) in view of Katz (US 6,424,706).

As per claims 1, and 18, Wecker teaches:

A method of rewarding an entity with wireless airtime units comprising:

creating credit in a service account associated with an entity, said credit stored in a service account server in response to active interaction with a given website of a seller of goods or services offering phone time units to said entity phone time units from a service provider (col 2, lines 1-30; col 3, lines 1-30; col 13, lines 60-65);

Wecker does not teach that said wireless service account is associated with a wireless communication device, that said phone time units are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider and deducting said credited wireless airtime units from said wireless service account in response to utilization of a wireless communication device associated with said credited wireless airtime units. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be redeemed for goods or services (see col 4, lines 57-67). Katz teaches interconnecting a plurality of member pre-paid telecommunication service providers, a plurality of member unit-minute systems associated with those pre-paid service providers and a plurality of member bank computer systems associated with financial networks in order to allow users to redeem telephone calling card minutes for goods or services (see col 16, lines 30-45).

Furthermore, Katz teaches that in the case of a prepaid wireless system, the subscriber ID is typically permanently assigned number and may be the unique ESN identifier associated with the wireless telephone handset itself, in which case the subscriber may not need to input a number if they are activating the calling card from wireless telephone (see col 2, lines 27-33). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker would modify his invention to allow users to use earned telephone card minutes for wireless telephone connections and to use said earned telephone card minutes for making purchases for goods and/or services, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes to purchase goods or services.

As per claim 2, Wecker does not teach:

deducting payment of goods with said wireless airtime units. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 2.

As per claim 5, Wecker does not teach:

deducting payment for a service with said wireless airtime units. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

As per claim 6, Wecker does not teach:

deducting transfers said wireless airtime units from a buyer's account to a seller's account. However, Katz teaches a system that allows the transfer of wireless minutes

from one user to another user (see column 4, lines 39-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 6.

As per claim 7, Wecker does not teach:

said wireless airtime units are used in a metered wireless communications system. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 7.

As per claim 8, Wecker does not teach:

said wireless airtime units are used in a post-paid wireless communications system. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used to make purchases at any merchant's POS terminal, to make cash withdrawals or to place order online (see col 8, lines 15-33). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 8.

As per claim 19, Wecker teaches:

creating said service account for said user in response to said user having actively interacted with said given (see col 13, lines 60-65). Wecker does not teach that service account is a wireless service account. However, the same rejection made in claims 1, 9 and 18 regarding this missing limitation is also made in claim 19.

As per claim 20, Wecker does not expressly teach:

said wireless service account is a metered phone service account. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 20.

As per claim 21, Wecker teaches:

A method of paying for an offering, comprising:

creating credit in a service account associated with an entity, said credit stored in a service account server in response to active interaction with a given website of a seller of goods or services offering phone time units to said entity, (col 2, lines 1-30; col 3, lines 1-30; col 13, lines 60-65);

maintaining in said service account a count of said phone time units associated with said entity (see col 13, lines 60-65); and

Wecker does not teach that that said wireless service account is associated with a wireless communication device, that said phone time units are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider and deducting said credited wireless airtime units from said wireless service account in response to utilization of a wireless communication device associated with said credited wireless airtime units. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be redeemed for goods or services (see col 4, lines 57-67). Katz teaches interconnecting a plurality of member pre-paid

telecommunication service providers, a plurality of member unit-minute systems associated with those pre-paid service providers and a plurality of member bank computer systems associated with financial networks in order to allow users to redeem telephone calling card minutes for goods or services (see col 16, lines 30-45). Furthermore, Katz teaches that in the case of a prepaid wireless system, the subscriber ID is typically permanently assigned number and may be the unique ESN identifier associated with the wireless telephone handset itself, in which case the subscriber may not need to input a number if they are activating the calling card from wireless telephone (see col 2, lines 27-33). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker would modify his invention to allow users to use earned telephone card minutes for wireless telephone connections and to use said earned telephone card minutes for making purchases for goods and/or services, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes to purchase goods or services.

As per claim 22, Wecker does not teach:

Said goods or services are purchased in exchange for a predefined number of said wireless airtime units. However, the same argument made in claim 21 regarding this missing limitation is also made in claim 22.

As per claim 23, Wecker teaches:

accepting a predefined number of said phone time units in exchange for said entity having actively interacted with said given website (see column 7, lines 30-40). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 23.

As per claim 24, Wecker teaches:

said phone time units are credited for performing a purchase on said given web site (see col 4, lines 45-50). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 24.

As per claim 26, Wecker does not teach:

said wireless airtime units represent metered wireless services. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, the same argument made in claim 21 with respect of the obviousness of combining Wecker and Katz is also made in claim 26.

As per claim 27, Wecker teaches:

crediting at least two phone time units to said service account in response to said entity having actively interacted with said given website (see col 7, lines 30-40). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 27.

As per claim 28, Wecker teaches:

crediting one phone time units to said service account in response to said entity having actively interacted with said given web site (see col 7, lines 30-40). Wecker does not teach that said phone time units are wireless airtime units. However, the same rejection made in claim 21 regarding this missing limitation is also made in claim 28.

8. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wecker (US 6,256,614) in view of Katz (US 6,424,706) and further in view of Bistriceanu (US 7,240,022).

As per claim 11, Wecker does not teach:

wherein said actively interacted with said given web site comprises: returning to said web site. However, Bistriceanu teaches awarding incentives to users for returning a web site (see column 10, lines 15-32). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker and Katz would modify their systems to award users incentives for returning a website, as taught by Bistriceanu in order to provide a motivation for users to browse a certain site.

As per claim 25, Wecker does not teach:

said wireless airtime units are credited for visiting said given web site. However, Bistriceanu teaches awarding incentives to users for merely visiting a web site (see col 5, lines 45-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Wecker and Katz would modify

their systems to award users incentives for merely visiting a site, as taught by Bistriceanu in order to provide a motivation for users to browse a certain site.

### **Response to Arguments**

9. Applicant's arguments filed 07/19/10 have been fully considered but they are not persuasive. The Applicant argues that the prior arts do not teach crediting of wireless service account associated with a wireless communication device because according to the Applicant, Wecker teaches crediting a generic account and that this has the disadvantage of having a user enter calling card information every time a recipient wants to use the calling card but according to the Applicant, crediting a wireless service account eliminates a user from having to enter calling card information to use credit minutes. The Examiner answers that Katz teaches that in the case of a prepaid wireless system, the subscriber ID is typically permanently assigned number and may be the unique ESN identifier associated with the wireless telephone handset itself, in which case the subscriber may not need to input a number if they are activating the calling card from wireless telephone (see col 2, lines 27-33). Therefore, contrary to Applicant's argument, in a wireless system, a subscriber does not have to enter calling card information every time a subscriber wants to use a calling card. Furthermore, the Applicant is arguing about limitation not stated in the claims when he argues that the difference between the prior art and the claimed invention is having a user enter calling card information every time a recipient wants to use the calling card. Therefore, contrary to Applicant's argument, the prior art teach Applicant's claimed invention.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/  
Primary Examiner, Art Unit 3688  
September 8, 2010